

Woodville Republican.

THREE DOLLARS A YEAR, IF PAID IN ADVANCE.

FOUR DOLLARS A YEAR, IF NOT PAID IN ADVANCE.

BY JOHN S. HOLT, JR.

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LETTER OF ALBERT G. BROWN TO HIS CONSTITUENTS.

Fellow-Citizens: I feel impelled, by a strong sense of duty, to address to you this communication. If it shall seem to you more appropriate that I should have delivered those sentiments which follow, in the form of a speech in the House of Representatives, I reply, that the difficulty of obtaining the floor interposes at all times serious obstacles to that mode of address. At this period of excitement, when events of the greatest consequence are pursuing each other in rapid succession, it appears to me neither wise nor safe to risk the doubtful chances of an early opportunity of addressing you through the ordinary medium of a congressional speech.

Events of the utmost magnitude are transpiring at the seat of the National Government. In these events you have a deep interest, and I would not leave you a single day in ignorance of my views, or in doubt as to the manner in which I mean to discharge the high and important trusts which your partiality has devolved upon me.

It is well known to you, that the people in California, following the lead of Gen. Riley, an officer of the United States army stationed in that country, took upon themselves, during the last summer, the responsible task of forming a State constitution, and setting up a State government in that territory.

This proceeding has been extensively criticized, and very generally condemned, as altogether anomalous and irregular. It is no part of my present purpose to follow up these criticisms. That the whole proceeding was irregular and in total disregard of the rights of the South, is beyond dispute. That it was *basely fraudulent*, I have ever believed, and do now believe. That the people in that country were prompted to the course pursued by them, by the secret spies and agents sent out from Washington, I have never doubted for a single moment. That they were induced to insert the "Wilmot proviso," in their so-called State constitution, by assurances held out to them that such a course would facilitate their admission into the Union of these States, I as religiously believe as I do in the existence of an overruling Providence.

Pursuing the idea that there had been illegitimate influences at work to produce particular results in California, I on two several occasions introduced into the House of Representatives resolutions directing a searching inquiry into all the facts. But the dominant power would give no countenance to my object.

I have seen it stated in a letter written in California, and published in the Republic newspaper in this city, that "it was everywhere understood in that country, that the President desired the people of California to settle the slavery question for themselves." I endeavored to bring the public mind to bear on this point, and in a card published in the Republic, inquired "how it came to be everywhere thus understood?" but no response was ever made to the inquiry. The semi-official declaration, however, quickened my suspicions that some one had spoken as *by authority* for the President.

Thomas Butler King, Esq., one of the President's agents in California, has repeatedly declared that the California Convention was held under the sanction of President Polk and Secretaries Buchanan and Marcy; and that it was to these functionaries Gen. Riley made allusion when he said to the people in that country that he was acting in compliance with the views of the President, and the Secretaries of War and of State. Mr. Polk is dead, and the two ex-Secretaries positively deny the truth of Mr. King's declaration.

If Gen. Riley stated officially to the people of California, on the 3d of June, 1849, the date of his proclamation, the President, his Secretary of War, and the Secretary of State approved his conduct—meaning thereby Mr. Polk, Mr. Buchanan, and Mr. Marcy—it was a fraud upon the people of California. The statement could only have been made with a view to give the *highest official sanction* to his conduct, and he knew perfectly well that all three of the gentlemen alluded to, were private citizens at the date of his proclamation. When he said the President, he meant to give the weight of presidential influence to his acts. He meant that the people should understand him as alluding to the man in power, and not to a retired gentleman and private citizen.

Mr. King undertakes to prove that he is right in his declaration, and asserts that the steamer which carried him to California was the first arrival in that country after Gen. Taylor's inauguration, and "that she conveyed the first intelligence that Congress had failed to provide a government for that territory," and by way of giving point to his declaration in this respect, he asserts that he landed for the first time at San Francisco, on the 4th day of June; that Gen. Riley was then at Monterey distant about one hundred and fifty miles, and that he (Mr. King) did not see him (Riley), or have any communication with him; and that the proclamation calling the California Convention, bore date June 3d, 1849. Thus rendering it impossible, as he assumed, that said proclamation could have been based on information received from the present President and his Secretaries through him, Mr. King's arrival. Unfortunately for the accuracy of these statements and the legitimacy of the conclusions, Gen. Riley commences his proclamation with the emphatic declaration "that Congress had failed to provide a government for California;" and the inquiry at once arises, how, if Mr. King landed at San Francisco on the 4th of June,

1849, with the first intelligence of this failure on the part of Congress, could General Riley have known and proclaimed the important fact at Monterey, distant one hundred and fifty miles, on the 3d of June of that year? We see at once that it could not be so.

President Polk and his Cabinet could not have sent advice to California of this failure on the part of Congress; for it is historically true that the failure occurred in the very last hour of Mr. Polk's administration.

Through some channel, Gen. Riley was advised that Congress had failed to provide a government for California, and this after President Taylor came into power. I do not say that Mr. King was this channel, but I do say that from the same medium through which he derived the information that Congress had failed to provide a government, he may, and *probably* did, receive also the views of the President and his Cabinet, and hence he was enabled to speak as he did with positive certainty of the one and the other.

"You are fully possessed," says the Secretary of State, Mr. Clayton, to Mr. King, in a letter bearing date of April 3, 1849, "You are fully possessed of the President's views, and can with propriety suggest to the people of California the adoption of measures best calculated to give them effect. These measures must, of course, originate with themselves." Mr. King, then, was informed that he could with propriety suggest the adoption of measures to carry out the President's views, he having been fully possessed of those views. But these measures must originate with the people! Beautiful! Mr. King is sent to California to suggest to the people the adoption of measures to carry out the President's views, but these measures must originate with the people! And more beautiful still, Mr. King comes home, after disburdening himself of the views whereof he was "fully possessed," and gravely tells the country that he did not go to California on a political mission, and had nothing to do with the local affairs of that country; and this, too, after he has denounced in the Convention as the President's emissary. I suspect Mr. King could tell how it came to be "everywhere understood in California" that the President wanted the people to settle the slavery question for themselves.

I have thought proper to present these facts and deductions, for the purpose of showing you that mine are no idle suspicions. When I say that, in my opinion, a great fraud has been perpetrated, I want you to understand that there is some foundation for my opinion.

The action of Congress, I am free to admit, may have had much to do in fixing the sentiment in the mind of the President and of the Californians, that no territorial government would be allowed which did not contain the Wilmot proviso, and judging from the temper consistently displayed in urging this odious measure at all times and in all seasons, it was, I grant, a rational conclusion that no government asked for or established by the people would be tolerated unless slavery was prohibited; but was this a sufficient reason why the President or his agents, or even the people of California, should trample under foot the rights of the South? We had our rights in that country, and they ought to have been respected; I risk nothing in saying that they would have been, had we been the stronger party. Our fault consisted in our weakness, and for this we were sacrificed.

It is said, I know, that California is not suited to slave labor—that the soil, climate, the very elements themselves, are opposed to it. Slave labor is never more profitably employed than in mining; and you may judge whether slaves could be advantageously introduced into that country, when I inform you, on the authority of the debates of their convention, that an able-bodied negro is worth in California from two to six thousand dollars per annum.

I pass over the studied and systematic resistance which the California admissionists have constantly and steadily interposed against all investigation, with this single remark—"that the wicked flee when no man pursueth, but the righteous are as bold as a lion."

Immediately after the assembling of the present Congress, it became apparent that the admission of California into the Union as a State was to become the great question of the session; and it was palpable from the beginning, that there was a large majority in favor of it. The President was not slow in taking his position. He brought the subject to the favorable notice of Congress in his annual message, and very soon after, in a special communication, he earnestly recommended it to our favorable consideration. The fearful odds of the President, the Cabinet, and a congressional majority, was arrayed against us; but, nothing daunted, a few of us, relying on the justice of our cause, and placing our trust in the intelligence, virtue, patriotism, and indomitable firmness and courage of our constituents, resolved to resist it.

To lay before you the grounds of that resistance, and to lay bare the sophistry and double-dealing of the friends of this measure, are among the chief aims of this letter.

A large class of those who advocate the immediate introduction of California into the Union, place their advocacy on the ground that the people have a right in all cases to govern themselves, and to regulate their domestic concerns in their own way. It becomes important to understand the meaning of declarations like these, and to ascertain the extent to which such doctrines may be rightfully extended.

I admit the right of self-government; I admit that every people may regulate their

domestic affairs in their way; I freely and fully admit the doctrine that a people finding themselves in a country without laws, may make laws for themselves, and to suit themselves. But in doing this they must take care not to infringe the rights of the owners and proprietors of the soil. If, for example, one hundred or one thousand American citizens should find themselves thrown on an island belonging to Great Britain, uninhabited and without laws, such citizens, from the very necessity of their position, would have a right to make laws for themselves. But in doing this, they have no right to say to her Majesty's subjects in Scotland, *you may come to this island with your property, and to her Irish subjects you shall not come with your property.* They have no right to set the proprietors at defiance, or to make insulting discriminations between proprietors holding one species of property and those owning another species of property. No such power would be at all necessary to their self-government, and any attempt to exercise it would justly be regarded as an impertinent attempt to assume the supreme power, when in fact they were mere tenants at will.

If the people of California, who had been left by the unwise and grossly unjust action of Congress, without law and without government, had confined themselves to making their own laws and regulating their own domestic affairs in their own way, I certainly never should have raised my voice against their acts. But when they go further, and assume the right to say what shall be the privileges of the owners and proprietors of the soil—when they take upon themselves to say to the fifteen Northern States, *your citizens may come here with their property, and to the fifteen Southern States, your citizens shall not come here with their property, they assume, in my judgment, a power which does not belong to them, and perform an act to which the South, if she would maintain her rights, ought not to submit.*

Attempts have been made to draw a parallel between the conduct of our revolutionary fathers, who claimed the right to legislate independent of the British Crown, and that of the Californians, who have assumed to set up an independent government of their own. When our fathers set up an independent government, they called it *revolution*; and if the people in California set up a like government, I know of no reason why their conduct shall not in like manner be denominated revolutionary. Our fathers revolted and took the consequences; California has a right to do the same thing; but that she has any other than a revolutionary right, I utterly deny.

Very distinguished men have assumed the position, that the rights of sovereignty over the territory reside in the people of the territory, even during their territorial existence. Let us test the soundness of this theory by a few practical applications. The expression "the people of a territory" is one of very uncertain signification as to numbers. It may mean one hundred thousand, or it may mean one thousand or one hundred. The question naturally presents itself, when does this right of sovereignty commence? Is it with the first man who reaches the territory? May he prescribe rules and regulations for those who come after him? or must there be a thousand or fifty thousand, or a greater or a less number, before the rights of sovereignty attach?

Perhaps we are told that the sovereignty begins when the people assemble to make laws. Very well; let us put this theory into practical operation. Ten thousand French emigrants have settled, let us suppose, at the base of the Rocky Mountains, without the limits of any organized State or Territory of the United States, and they are without government or laws. They make laws for themselves, and you acquiesce; they set up a government for themselves, and you admit their right; they claim the sovereignty over the territory and set up an independent State government, and you admit their power to do so. You expect them to ask admission into the Union, but the new sovereignty says no, we prefer independence, or we prefer to become an integral part of the French Republic. What will you do under such circumstances? Can you force her to abandon her acknowledged independence? Can you force her into the Union against her will? What! require a sovereign to pursue your will and not her own? This would indeed be revolutionary.

If California is in fact, as she is admitted by some to be in theory, an independent sovereignty, I see nothing which is to prevent her remaining out of the Union if she elects to do so. I see nothing which may prevent her, if she chooses, allying herself to any other nation or country. I know of no right by which this Government may take from her the independence, the sovereignty which she now possesses, if indeed she be a State without the Union.

The tenure by which we hold our territorial possessions is indeed most fragile, if this doctrine of territorial sovereignty can be maintained. We may expend millions of treasure, and pour out rivers of our purest and best blood in the acquisition of territories, only to see them taken possession of, and ourselves turned out, by the first interloper who may chance to plant his foot upon them.

I am always glad of an opportunity to do the fullest justice to a political opponent, and in this spirit I beg leave to say, that, in my judgment, Mr. Clay, in a late speech in the Senate, took the true ground on this subject. He denied that California was a State, or that she could become so out of the Union. He maintained the right of the people to self-government, but denied the

validity or binding force of their written constitution, until the State should be admitted into the Union. Will the reader recollect this, as I shall have occasion to use it in another connection.

Let us pause for a moment to consider the honesty and sincerity of purpose with which the lofty pretension has been set up in certain quarters, that the people have a right to regulate, arrange, and mould their institutions to suit themselves. In the early part of last year, the people inhabiting a large portion of our unoccupied possessions in what was then known as New Mexico and California, met in convention and framed a State constitution, giving the name of DESERET to their country. They defined their boundaries, and included within their limits a large extent of Pacific coast. Their constitution was in every element essentially republican. They sent their agent to Washington, with a modest request that the constitution thus formed should be accepted, and the State of DESERET admitted into the Union. How this application was treated we shall presently see. Later in the same year, the people of New Mexico formed a territorial government, and sent their delegate to Washington to present their wishes, and, if permitted, to represent their interests. In the summer of the same year, and several months after the DESERET convention, the Californians held their convention. They extended their boundaries so as to monopolize the whole Pacific coast, in total disregard of the prior action of Deseret. And then in contempt of the modest example of her two neighbors, she sends, not an agent or a delegate to Washington, with a civil request, but she sends up two Senators and two Representatives, with a bold demand for instantaneous admission into the Union.

What followed? The President made two earnest appeals to Congress to admit California, and he told us plainly to leave the others to their fate. Not only does he fail to give them a friendly salutation, but he in truth turns them in scorn. Not a word does he utter in their behalf, or in defence of their independent conduct. Their modesty failed to commend them to his paternal notice.

In Congress, and throughout the country, a general outcry is now heard in favor of California. Everywhere throughout the length and breadth of the land, the cry of California, glorious California, is heard. It comes to us from the East and from the West, from the North and (I am pained to say) in some instances from the South. If any man has dared to interpose the slightest objection to the immediate admission of California—if any one has hesitated about yielding to California all that she so boldly demands, he has been denounced, black-balled, hooted at, and almost driven from society. Mean time no voice has been heard in defence of the rights of New Mexico and Deseret. They, too, assumed to settle their own affairs in their own way. Yet no whisper of encouragement and hope greets their modest agent and delegate at Washington. The great national voice is engaged to sing and shout for California. Why has this been so? Why this marked distinction between these several parties? The people, we are told, have a right to act for themselves. California acted for herself, Deseret for herself, and New Mexico for herself; and yet, amid the din and clamor in favor of California, we have lost sight of her more retiring and modest sisters. Why is this? I'll tell you, fellow-citizens. Deseret and New Mexico did not insult the South by excluding slavery. With a becoming modesty they were silent on this subject. California, influenced by unwise counsels, flung defiance in your teeth, scoffed at your rights, and boldly threw herself into the arms of the North. Here is the secret of all this boiling and bubbling in favor of California, and here, too, may be found the end of the great doctrine that the people may settle the slavery question for themselves. If they settle it against the South it is well, and if they do not it is no settlement at all.

Ah! but we are told there is a vast difference between these territories; New Mexico and Utah have but few inhabitants, and California has many thousands—some say one hundred thousand and some say two hundred thousand. I do not understand that because a people are fewer in number that therefore they have no political rights, whilst a greater number may have every right. But how stands the case in regard to these hundreds of thousands of people in California? We all know that the emigration in that country has been confined to hardy male adults, robust men. In most cases their families and friends have been left in the States, to which, in four cases out of five, they themselves have intended to return. At the elections last summer they voted about twelve thousand, and later in the fall, on the important question of adopting a State constitution, with the ballot-box wide open and free for every vote, they polled less than thirteen thousand. I should like to know where the balance of this two hundred thousand were. At least one hundred and fifty thousand of them I suspect were never in the country, and the rest regarded the whole thing as a ridiculous farce, with which they had nothing to do. And this is the State and this the people who have excluded slavery, and sent two Senators and Representatives to Washington.

You will have no difficulty in determining in your minds that I am opposed to allowing the people of the territories to settle this question, either for us or against us. It is a matter with which they have no concern. The States are equals and have equal rights, and whatever tends to impair or

break down that equality, always has and always shall encounter my stern and inflexible opposition.

My position in reference to congressional action on this subject is easily explained. I am for non-intervention—total, entire, unqualified non-intervention. Leave the people of all the States free to go with their property of whatever kind, to the territories, without let and without hindrance, and I am satisfied. But this I must say, that whenever Congress undertakes to give protection to property in the territories, on the high seas, or anywhere else, there must be no insulting discrimination between slave property and any other species of property. To say that Congress may protect the northern man's goods in California, but that Congress shall not protect the southern man's slaves, is *intervention*. It is intervening for the worst ends, and in the most insulting manner.

You have been told, fellow-citizens, that we once said the people of a territory, when they come to make a State constitution, might settle the slave question for themselves, and that we have now abandoned that ground. Not so—I speak for myself. I have always maintained, and I maintain today, that the people of a territory, when duly authorized to form a State constitution, may settle this and all other questions for themselves and according to their own inclinations. But was California duly authorized? Where did she get her authority? We have been told that she got it from the Almighty. This is very well if it is so. But it would be more satisfactory to me to know that she got it from the proprietors of the soil, and that her action had been subordinate to the Federal constitution.

I have no inclination to discuss this point at length. Whenever it can be shown that California has been subjected to the same ordeal through which Mississippi, Arkansas, Florida, and other slave-holding States have been compelled to pass, I will, if in Congress, vote for her admission into the Union, without a why or wherefore as concerns slavery. But it is asking of me a little too much to expect that I shall vote for her admission, under all the remarkable circumstances attending her application, until she has passed this ordeal.

If it shall be shown that I am getting a fair equivalent for surrendering your rights in California, you may reasonably expect me, in your name, to favor a compromise. The great national mind wants repose, and I for one am ready for any arrangement which may afford a reasonable nagary of a happy adjustment of our differences. This brings me to a brief review of Mr. Clay's so called compromise scheme.

The leading bill presented by Mr. Clay from the "Committee of Thirteen" contains three distinct and substantive propositions: First, the admission of California. In this, as in every other scheme of settlement tendered to the South, California in all her length and breadth, stands first. Secondly, we are offered territorial governments for New Mexico and Utah, (Deseret that was,) without the Wilmot proviso; and thirdly, we have a proposition to dismember Texas, by cutting off enough of her northern possessions to make four States as large as Mississippi, and for the privilege of doing this we are to pay—millions of dollars. The suggestions for filling this blank have varied from five to fifteen millions of dollars.

I have already suggested some reasons why the admission of California, as an independent proposition, ought not, in my judgment, to receive your sanction. I now propose to inquire whether the union of these three measures in one bill makes the whole, as a unit, more worthy of your consideration and support. All the objections to the admission of California stand out in the same force and vigor in Mr. Clay's bill as in all former propositions for her admission. We are asked to make the same sacrifice of feeling and of principle which we have so often and so long protested we would not make—unless indeed it shall be shown that we are getting a fair equivalent for these sacrifices. He has told us, as I remarked to you in another place, that California was not a State, and could not become so out of the Union. That, in truth, her constituents had no binding force, as a constitution, until the State was admitted into the Union. The constitution of California contains the anti-slavery clause, the "Wilmot proviso." But the constitution is a dead letter, so far as we are concerned. It has no vitality, no binding effect until the State is admitted. Congress admits her, and by the act of admission puts the proviso in force—gives it activity and life. Who, then, but Congress is responsible for the active, operative "proviso"—for that proviso which excludes you from the country? Congress and Congress alone is responsible. You can now understand more fully what I meant, when I signed a letter to his Excellency the Governor, saying, "that the admission of California was equivalent to the adoption of the Wilmot proviso." The northern people understand this, and to a man they are for her admission.

The question now is, are we offered any adequate consideration for making this sacrifice of feeling and of principle? This is a question worthy of the most serious and critical examination.

By the terms of the resolutions, annexing Texas to the United States, it is expressly provided "that such States as may be formed out of that portion of her territory lying South of parallel of 36° 30' north latitude, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire." And it is as expressly stipulated, that "in such State or States as may be for-

med out of said territory lying north of that line slavery shall be prohibited." In pursuance of these resolutions Texas came into the Union. The South consented to this arrangement, and today, as at all former periods, I am ready to abide by it.

Examine these resolutions, and what do we find? A clear and distinct recognition of the title of Texas to the country up to 36d. 30m., as slave territory, for it is stipulated that the people may determine for themselves, at a proper time, whether slavery shall or shall not exist in all the country below that line. Nay more, the rights of Texas above this line are admitted; for it is expressly provided that in the State or States to be formed out of the territory north of 36d. 30m., slavery shall be prohibited, but not until such State or States ask admission into the Union. We have, then, the clearest possible recognition of the title of Texas as up to 36 1-2d. as slave territory, and to sufficient territory above that line to make one or more States.

Now, what do we hear from the North? That Texas never had any just claim to any part of this territory; that it always did, and does now belong to New Mexico. But, as Texas is a young sister, and one with whom we should not deal harshly, we will give her—millions of dollars for her imaginary claim. Mr. Benton, in the exuberance of his liberality, offers fifteen millions of dollars; and other gentlemen, less ardent, propose smaller sums. But our present dealing is with Mr. Clay's plan for a compromise.

If the reader has a map, I beg that he will first trace the line of thirty-six degrees and thirty minutes, north latitude; and then fix his eye on the northeastern boundary of Texas at the point where the one-hundredth parallel of longitude crosses the Red river; and, from this point, run a direct line to a point twenty miles above El Paso, on the Rio Grande; and between these two lines, he will have the *slave territory* which Mr. Clay's compromise proposes to sell out. It will be seen, on comparison, that this territory is nearly twice as large as the State of Mississippi. Whether five or fifteen millions of dollars are given for it, it is needless to say we shall have to pay more than our due proportion of the money.

To me, it is not a pleasant thing to sell out slave territory, and pay for it myself; and I confess that this much of the proposed bargain has not made the admission of California a whit more palatable to me.

I say nothing of Texas above 36d. 30m.; that country was virtually surrendered to abolition by the terms of the Texas annexation. If Texas thinks proper to give it or sell it to the Free-Soilers, in advance of the time appointed for its surrender, I make no objection. But all the South has a direct political interest in Texas below this line of 36d. 30m.; and I do not mean to surrender your interest without a fair equivalent.

What is to be the destiny of this territory, if it is thus sold out, and what its institutions? It is to become an integral part of New Mexico, and I risk nothing in saying it will be dedicated to free soil. Its institutions will be anti-slavery. If the character of the country was not to undergo a radical change in this respect, or if this change was not confidently anticipated, we all know that the northern motive for making this purchase would lose its existence. As the country now stands, it is protected by the annexation resolutions against all congressional interference with the question of slavery.—Transfer it to New Mexico, and we expose it to the dangerous intermeddling which has so long unhappily afflicted that and all our territorial possessions.

This brings me to the only remaining proposition in Mr. CLAY'S compromise bill—that to establish territorial governments for New Mexico and Utah, without the "Wilmot proviso." If this were an independent proposition, tendered in good faith, and accepted by the North with a fixed purpose to abide by it, I have no hesitation in saying it would receive my cordial support. I repeat what I have often said, that whilst I shall resist the exclusion of slavery by congressional action, I have no purpose or design to force or fasten it upon any country through the agency of Congress. Whilst I demand that Congress shall not oppose our entrance into the territories with our slaves, I do not ask it to assist us in going there. All I ask is, that we may be treated as equals—that no insulting discrimination shall be drawn between southern and northern people—between southern property and northern property.

How is this proposition regarded by the northern men to whom it is tendered, and by whom it may be accepted? The spirit in which it is accepted is a